



## Department of Conservation and Development

### HOW TO APPLY FOR A CERTIFICATE OF COMPLIANCE OR A DETERMINATION ON THE LAWFUL STATUS OF A LOT

#### **DO YOU HAVE A LEGAL LOT?**

##### **What is a lawful lot?**

- In general, a lawful lot is any lot that was created in conformance with the California Subdivision Map Act ("Map Act") or County Subdivision Ordinance. An Assessor's Tax Parcel Number (APN) is issued for taxing purposes only and does not necessarily designate a lot or parcel as lawful.

##### **Why does the lawful status of a lot matter?**

- Section 66499.34 of the Map Act states the following:
  - "No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or the provisions of local ordinances enacted pursuant to this division. If it finds that the development of such real property is contrary to the public health or the public safety."
- Therefore, the Department of Conservation and Development (DCD) is required to know the lawful status of every parcel prior to issuance of any permit.

##### **Lawful lots:**

- Lots created in accordance with the Map Act or County Subdivision Ordinance include:
  - Any lot that is part of a major subdivision recorded after June 17, 1929.
  - Any lot sold or conveyed prior to February 18, 1955. (County Ordinance 933)
  - Any conforming lot sold or conveyed prior to August 19, 1958. (County Ordinance 1256)
  - Any lot that is part of an approved subdivision for which a "final map" was recorded.
- Other statutes in the Map Act relating to lawful lots:
  - Section 66428(a)(2) of the Map Act states: "land conveyed to or from a governmental agency, public entity, public utility for conveyance to that public utility for rights-of-way..." is exempt from the requirement to file a tentative parcel map.
  - Section 66499.34 of the Map Act indicates that any lot for which the County has issued a permit for, or has granted development approval for such, constitutes "real property which has been approved for development" for the purposes of Section 66499.35 (c).

##### **How is the status of a lot determined?**

- In most cases the status of a lot or parcel can be determined by examining the deed history of the property. The deed history of a property is called a "chain of title" and may be required in order to determine the status of a property. Sometimes determining the status of a property may be more difficult than others and significant staff time is required. In these cases, or in cases where a property owner would like to receive a formal written determination, a Planning Consideration or Certificate of Compliance application can be submitted or requested.

##### **How to apply for a Determination or a Certificate of Compliance:**

- The Community Development Division (CDD) has two options for property owners who need, or would like to obtain, a formal determination on the status of a lot:
1. **Planning Consideration application requirements to receive a formal determination letter regarding the legal status of a lot:**
    - a) Submit a Planning Consideration application along with the Important Notice to Applicants and Property Owners. Go online to [www.cccounty.us/apc](http://www.cccounty.us/apc). Click on Planning Applications and scroll down to generic application and Important Notice to Applicants and Property Owners. Print and complete both forms.

- b) The Owner of the property **must sign the application**. If the current Assessor's information does not reflect the current owner, a copy of a recorded deed will be required to verify ownership.
- c) Plot plan drawn to scale showing all improvements on the property.
- d) \$1000.00 fee per lot (time and materials process).
- e) A chain of title consists of copies of the recorded grant deed(s) of a property back to at least 1947.

In some cases, CDD may determine that a Certificate of Compliance may be required prior to issuance of a building permit or sale of the subject property.

2. **Certificate of Compliance requirements to request a recorded certificate regarding the legal status of a lot.**

- a) Submit a Certificate of Compliance application and an Important Notice to Applicants and Property Owners. Go online to [www.cccounty.us/apc](http://www.cccounty.us/apc). Click on Planning Applications and scroll down to Certificate of Compliance and Important Notice to Applicants and Property Owners. Print and complete both forms.
- b) The Owner of the property **must sign the application**. If the current Assessor information does not reflect the current owner, a copy of the recorded deed will be required to verify ownership.
- c) Plot Plan drawn to scale showing all improvements on the property.
- d) Letter from the current property owner indicating whether she/he had any actual knowledge of a violation of the Subdivision Map Act or the County Subdivision Ordinance (reference: Gov. Code Sec 66412.6 and 66499.35).
- e) \$1000.00 fee per lot (time and materials process).
- f) A chain of title consists of copies of the recorded grant deed(s) of a property back to at least 1947.

Submit either application to 30 Muir Rd., Martinez, CA 94553 between the hours of **10-3, Monday through Friday**. If you have questions, please contact the APC at 925-674-7200.

The difference between a Planning Consideration and a Certificate of Compliance, is the Certificate of Compliance is recorded on a subject property which allows a parcel to be sold without further compliance with the Map Act or County Subdivision ordinance. **NOTE: Issuance of a certificate does not legalize an existing use or grant any right to develop the parcel.**

The basis for issuance of Certificates of Compliance can be found in the California Subdivision Map Act. According to Section 66499.35 (f)(1)(E) of the Map Act:

*"A Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and County (local) ordinances enacted pursuant thereto. The parcel...may be sold, leased or financed without further compliance with the Subdivision Map Act or any County (local) ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval."*

Per Section 66499.35 of the Map Act a property owner may request, and the County shall determine, whether a real property complies with the provisions of the Map Act and/or County Subdivision Ordinance.

If the CDD determines that the property was created in conformance with the Map Act and/or County Subdivision Ordinance, the County will request a Certificate of Compliance be filed on the property with the County Recorder.

CDD may also determine that a lot may be denied issuance of a Certificate of Compliance.